

REMARKS

1 The Examiner objected to claim 10 as being dependent upon a rejected base
claim. However, the Examiner indicated that claim 10 would be allowable if rewritten in
independent form to include all the limitations of the base claim and any intervening
5 claims. In accordance with the Examiner's comments, new claim 11 has been added.
New claim 11 contains all the limitations of claims 1, 9 and 10. Claim 10 has been
canceled without prejudice. Accordingly, applicant asserts that claim 11 is in condition
for allowance.

10 The Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being
unpatentable over Vella in view of Hixson. Even though applicant believes the claims
are allowable as written, applicant has amended independent claim 1 to clarify the
invention for the Examiner and expedite allowance. Claim 1 has been amended to
15 recite that the first rectangular opening is a can receiving opening. Claim 1 has also
been amended to recite that the first rectangular can receiving opening is formed only in
the first end wall. Applicant asserts that the Examiner's cited art does not teach or
otherwise suggest these limitations. In one embodiment, Vella teaches a cooler where
a user must open the entire lid to the cooler in order to load the cans into the can chute.
20 In another embodiment, the user must force the cans upwardly into the chute by
pushing the cans against gravity. Furthermore, Hixson does not teach a can opening
only in the first end wall. Hixson teaches an opening in the corner of the cooler. Stated
another way, the opening is in both the top wall and the side wall of the cooler.

1 The present invention as described in claim 1, is advantageous over the prior art.
2 One advantage is that the cans are gravity fed and a user does not need to load the
3 cans by pushing against gravity. Another more important advantage is that the user can
4 load and unload the cans and never need to open the top of the cooler. This structure
5 minimizes heat transfer by the need to open the cooler lid. By considering the present
6 invention and the prior art as a whole, it is clear that the Examiner's proposed
7 combination fails to teach or otherwise suggest the limitations of claim 1.

8 Claim 2 recites that the can receiving end of the can dispenser structure is
9 positioned above the can dispensing end of the can dispenser structure. Claims 3-5
10 recite that the first and second rectangular openings are selectively closable. Claims 6
11 and 7 recite that the receiving end and the dispensing end of the can dispenser
12 structure are sealed with respect to the rectangular openings. Claim 8 recites that the
13 can dispenser structure includes a pivotal gate structure which permits the dispensing of
14 a single can at a time. Claim 9 recites that the can dispensing structure is enclosed
15 except for the can receiving end and the can dispensing end. Applicant asserts that the
16 limitations of claims 2-9 are not taught or otherwise rendered obvious by the Examiner's
17 cited art. Furthermore, insofar as claims 2-9 ultimately depend from independent claim
18 1, the same are also thought to be allowable.

19 In light of the above amendments and remarks, applicant asserts that the claims
20 are in condition for allowance. Applicant respectfully requests reconsideration and
21 allowance of claims 1-9 and 11.



No fees or extensions of time are believed to be due in connection with this amendment; however, please consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,

DENNIS L. THOMTE
Registration No. 22,497
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

2120 South 72nd Street - Suite 1111
Omaha, Nebraska 68124
(402) 392-2280

CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for RICHARD J. SEIDL, Serial No. 10/628,592, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of July, 2004.

DENNIS L. THOMTE